

LAW OFFICES**ALBERT S. MICHALIK, PLLC**

704 - 228TH AVENUE NE, SUITE 193

SAMMAMISH, WASHINGTON 98074

FACSIMILE COVER SHEET**OFFICIAL**RECEIVED
CENTRAL FAX CENTER

JUL 27 2004

Telephone: (425) 836-3030
Facsimile: (425) 836-8957

Date: July 27, 2004

Time: 2:30 am

Number of pages (including this sheet): 18

To: United States Patent and Trademark Office Attention: Examiner NGUYEN, D.

Facsimile Number: 703-872-9306

From: Albert S. Michalik

RE: Serial No. 09/354,970, Attorney Docket No. 1610

In re Application of:

DOUCEUR et al.

Group Art Unit: 2154

Serial No.: 09/354,970

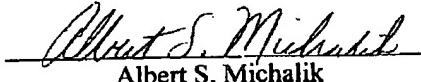
Examiner: NGUYEN, D.

Filed: July 16, 1999

For: Method and System for Regulating Background
Tasks Using Performance MeasurementsCERTIFICATE OF TRANSMISSION

I hereby certify that this Amendment and Amendment Transmittal are being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) on the date shown below:

Date: July 27, 2004


Albert S. Michalik

The information contained in this facsimile transmission is legally privileged, confidential and/or exempt from disclosure under law and is intended only for the use of the individual or entity named above. If the reader of this transmission is not the intended or authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or copy of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or facsimile. Thank you.

PATENT
Attorney Docket No. 1610

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DOUCEUR et al.

Group Art Unit: 2154

Serial No.: 09/354,970

Examiner: NGUYEN, D.

Filed: July 16, 1999

For: Method and System for Regulating Background
Tasks Using Performance Measurements

AMENDMENT TRANSMITTAL

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith are the following papers in the above-identified application:

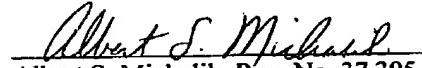
1. Amendment w/ Certificate of Transmission (15 pgs)

The fee for additional claims has been calculated as follows:

Claims Remaining After Amendment	Minus	Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
45	Minus	44	Equals	1	\$18
5	Minus	3	Equals	2	\$86
Total Additional Fee					\$190

- Please charge the Deposit Account No. 50-1618 the total amount of \$190.00. A duplicate of this Transmittal is attached for fee processing purposes.
- If any additional fee is required in connection with this response, please charge Deposit Account No. 50-1618.
- If any overpayment has been made in connection with this response, please credit Deposit Account No. 50-1618.

Respectfully submitted,


Albert S. Michalik, Reg. No. 37,395
Attorney for Applicants
(425) 836-3030 (telephone)
(425) 836-8957 (facsimile)

PATENT
Attorney Docket No. 1610

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: DOUCEUR et al.
APPLICATION NO.: 09/354,970
FILED: July 16, 1999
FOR: METHOD AND SYSTEM FOR
REGULATING BACKGROUND TASKS USING
PERFORMANCE MEASUREMENTS

EXAMINER: D. Nguyen
ART UNIT: 2154
CONF. NO: 5820

RECEIVED
CENTRAL FAX CENTER

JUL 27 2004

Amendment

OFFICIAL

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This communication is a response to the Office action dated June 25, 2004 (hereinafter "the Office action"). Please consider the following amendments and appended remarks, which applicants submit places the case in condition for allowance.